

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

WILMER LEO HOLLAND,  
(TDCJ-CID #1182067)

Plaintiff,

vs.

WILLIAM STEPHENS,

Defendant.

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CIVIL ACTION H-14-0572

**MEMORANDUM AND OPINION**

Wilmer Leo Holland, an inmate of the Texas Department of Criminal Justice - Correctional Institutions Division, sued in February 2014, alleging a denial of due process. Holland, proceeding *pro se*, submitted handwritten correspondence that was filed as a civil rights lawsuit under 42 U.S.C. § 1983. Holland does not explicitly name a defendant. Construed liberally, Holland sues William Stephens, the Director of the TDCJ-CID. Holland has neither paid the \$350.00 filing fee nor sought leave to proceed as a pauper. From his litigation history, the court presumes that he seeks leave to proceed *in forma pauperis*. Based on a careful review of his submissions, the court concludes that Holland's claims lack merit and dismisses them. The reasons are explained below.

Holland claims that technology, including instruments for brain reading, are being used to violate his civil rights. Holland alleges that prison officials are using an IBM computer to control his mind and bodily functions.

A district court may summarily dismiss a complaint filed *in forma pauperis* if it concludes that the action cannot proceed. 28 U.S.C. § 1915(e)(2)(B)(i). An action may be dismissed if it lacks an arguable basis in either law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Henson-El*

*v. Rogers*, 923 F.2d 51, 53 (5th Cir.), *cert. denied*, 501 U.S. 1235 (1991). A complaint is without an arguable basis in law if it is grounded upon an untenable or discredited legal theory. *Neitzke*, 109 S. Ct. at 1831. A claim is factually baseless when “the facts alleged are ‘fantastic or delusional scenarios’ or the legal theory upon which a complaint relies is ‘indisputably meritless.’” *Harris v. Hegmann*, 198 F.3d 153, 156 (5th Cir. 1999); *see also Denton v. Hernandez*, 504 U.S. 25, 32 (1992).

Holland does not present a logical set of facts to support any claim for relief. Dismissal is warranted under these circumstances.

Holland’s constructive motion to proceed *in forma pauperis*, (Docket Entry No. 1), is granted. The action filed by Wilmer Leo Holland (TDCJ-CID #1182067) is dismissed with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i). Any remaining pending motions are denied as moot.

The Clerk will provide a copy of this order by regular mail, facsimile transmission, or e-mail to:

- (1) the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159;
- (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793; and
- (3) the District Clerk for the Eastern District of Texas, 211 West Ferguson, Tyler, Texas 75702, Attention: Manager of the Three-Strikes List.

SIGNED on March 13, 2014, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge